

HOUSE JOINT RESOLUTION 773
By Brooks (Shelby)

A RESOLUTION to create a special joint committee to study pre-trial release programs and other methods of releasing persons accused of crimes prior to trial.

WHEREAS, there are various methods by which those arrested for the commission of a criminal offense are released prior to their trial for such offense; and

WHEREAS, some of these methods include the traditional bail bond with a professional bondsman, a cash bond by depositing with the clerk of the court in a sum of cash equal to the amount of the bail, a bail bond secured by real estate or sureties or the judge or magistrate may authorize release on the person's personal recognizance or upon an unsecured appearance bond; and

WHEREAS, some of the larger counties operate a method of release called a pretrial release program; and

WHEREAS, with most of the currently employed methods of pretrial release it is ascertainable what offense the person is charged with and there is monetary incentive of some kind for the person to appear at trial; and

WHEREAS, when a person is released upon their own recognizance or is placed in a pretrial release program, there are not clearly defined, identifiable or uniform guidelines for eligibility for such methods of release, requirements for supervision or easily accessible ways to determine the number and offense category of persons on such programs, now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that there is hereby created a special joint committee to study the various methods of releasing persons arrested for a crime prior to trial including release on the person's

own recognizance and pretrial release programs. Such study shall include, but not be limited to, the issues of accountability of pretrial release programs, the need for uniform standards and guidelines concerning eligibility, the revenue generated by such programs and how and where such revenue is spent and any other issues pertinent to the issue of protecting the safety and welfare of the public from people accused of and arrested for criminal offenses and released prior to trial.

BE IT FURTHER RESOLVED, that the committee shall consist of three (3) members of the House of Representatives and three (3) members of the Senate, to be appointed by the respective speakers.

BE IT FURTHER RESOLVED, that all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, that all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, that the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, that the special committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Fourth General Assembly no later than February 1, 2005, at which time the committee shall cease to exist.